CPTO

AMDT . (APPLN. REVIVED 05/27/05)

CETHOMAS (05/27/05)

BEST AVAILABLE COPY

1. (Withdrawn) A nucleic acid having a nucleotide sequence consisting essentially of the sequence of SEQ ID NO 29 and further characterized as consisting of guanine at nucleotide 141 and 821 and cytosine at position 1933.

Claims 2-3 (Cancelled)

4. (Withdrawn) An isolated nucleic acid having a DNA sequence complementary to the nucleotide sequence of Claim 1.

5. (Withdrawn) An isolated nucleic acid having a nucleotide sequence consisting of the sequence of SEQ ID NO 29.

Claim 6 (Cancelled)

7. (Withdrawn) An isolated nucleic acid having a DNA sequence complementary to the nucleotide sequence of Claim 5.

8. (Withdrawn) A nucleic acid comprising a polynucleotide coding for the surface protein HA and a polynucleotide coding for the surface protein NA, each of HA and NA of a selected wild type influenza virus; a polynucleotide coding for PB1; a polynucleotide coding for PA; and a polynucleotide coding for M, each of PB1, PA and M of a selected cold-adapted influenza virus; and a polynucleotide coding for PB2 which consists of the sequence of SEQ ID 15; the polynucleotides being operatively linked to each other.

Claims 9-11 (Cancelled)

12. (Currently Amended) A vaccine comprising a reassortant influenza A virion, the virion ~~further~~ comprising: a polynucleotide coding for the surface protein HA and a polynucleotide coding for the surface protein NA, each of HA and NA of a selected wild type influenza virus; a polynucleotide coding for PB1; a polynucleotide coding for PA and a polynucleotide coding for M, each PB1, PA and M of a selected cold-adapted influenza virus; and a po ...ucleotide coding for PB2 which ~~consi~~ ~~t~~ comprises the sequence of SEQ ID NO 15; the polynucleotides being operatively linked to allow packaging of the reassorted polynucleotides into the virion.

Claims 13-18 (Cancelled)

19. (Withdrawn) A method for preventing influenza in a patient comprising introducing into the patient a prophylactically effective amount of the vaccine of Claim 12.

20. (Withdrawn) A method for treating influenza in a patient comprising introducing into the patient a therapeutically effective amount of the vaccine of Claim 12.

Claim 21 (Cancelled)

22. (Withdrawn) The polynucleotide of Claim 8, wherein the polynucleotide coding for M is either of SEQ ID NOS 5 or 7; the polynucleotide coding for PB1 is SEQ ID NO 13; and the polynucleotide coding for PA is SEQ ID NO 11.

23. (Previously Presented) The vaccine of Claim 12, wherein the polynucleotide coding for M is either of SEQ ID NOS 5 or 7; the polynucleotide coding for PB1 is SEQ ID NO 13; and the polynucleotide coding for PA is SEQ ID NO 11.

Claim 24 (Cancelled)

BEST AVAILABLE COPY

25. (Withdrawn) A nucleic acid having a nucleotide sequence consisting of the sequence of SEQ ID NO 15.

26. (Withdrawn) A polynucleotide comprising the nucleic acid sequence of Claim 25.

27. (Currently Amended) A vaccine ~~comprising a reassortant influenza A or B virion comprising the nucleic acid of Claim 25~~ of any of Claims 12, 23, 29, 30 or 31, further comprising a reassortant influenza B virion ~~and a pharmaceutically acceptable carrier.~~

28. (Previously Amended) The composition ~~vaccine~~ of ~~any claims~~ claim 32 ~~12, 23 or 27~~, wherein the composition ~~vaccine~~ is formulated for intranasal administration.

29. (New) The vaccine of claim 12, wherein the polynucleotide coding for PB2 consists essentially of the sequence of SEQ ID NO 15 and further characterized as consisting of cytosine at nucleotide 1933.

BEST AVAILABLE COPY

BEST AVAILABLE COPY

30. (New) The vacci[illegible]of claim 12, wherein the polynucleotic[illegible]oding for PB2 consists essentially of the sequence of SEQ ID NO 15 and further characterized as consisting of guanine at nucleotides 141 and 821 and cytosine at nucleotide 1933.

31. (New) The vaccine of claim 12, wherein the polynucleotide for PB2 consists of the sequence of SEQ ID NO 15.

32. (New) A composition comprising the vaccine of any of Claims 27, 29, 30 or 31 and a pharmaceutically acceptable carrier.

33. (New) A vaccine comprising a reassortant influenza A virion, the virion comprising: a polynucleotide coding for the surface protein HA and a polynucleotide coding for the surface protein NA, each of HA and NA of a selected wild type influenza virus; a polynucleotide coding for PB1; a polynucleotide coding for PA and a polynucleotide coding for M, each PB1, PA and M of a selected cold-adapted influenza virus; and a polynucleotide coding for PB2 wherein the polynucleotide has a cytosine at a nucleotide which corresponds to nucleotide 1933 of SEQ ID 15, the polynucleotides being operatively linked to allow packaging of the reassorted polynucleotides into the virion.